

DEC 23 2005

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To: Examiner: Qamrun Nahar
Group Art Unit: 2191
Confirmation No.: 3776
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From: John S. Sensny, Esq.

Fax: **Pages** 8, including fax cover sheet

Phone: **Date:** December 23, 2005

Re: Re: Motohiro Kawahito, et al.
U.S. Patent Appln. No. 09/814,324
Filing Date: March 21, 20001
Our Docket: JP919990309US1 (17696)

CC:

**AMENDMENT UNDER 37 C.F.R. §1.116
(FINAL REJECTION)**

Transmitted herewith are the following:

1. Amendment Transmittal Letter (in duplicate);
2. Amendment under 37 C.F.R. §1.116;
3. Certificate of Transmission by Facsimile, dated December 23, 2005 (in duplicate).

For:


Applicant: Motohiro Kawahito, et al.
U.S. Patent Appln. No. 09/814,324
Filing Date: March 21, 2001
Our Docket: JP919990309US1 (17696)
Title: "PROGRAM COMPILATION AND OPTIMIZATION"

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PAGE 2/8 * RCVD AT 12/23/2005 11:43:40 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:5167424366 * DURATION (mm-ss):02:50

DEC 23 2005

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. JP919990309US1 (17696)	
Applicant(s): Motohiro Kawahito, et al.						
Application No. 09/814,324	Filing Date March 21, 2001	Examiner Qamrun Nahar	Customer No. 23389	Group Art Unit 2191	Confirmation No. 3779	
Invention: PROGRAM COMPILATION AND OPTIMIZATION						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	2 -	20 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	2 -	3 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0510/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: December 23, 2005			
Steven Fischman Registration No. 34,594 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-434			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence _____			
cc: SF:JSS:jy						

P11LARGE/REV09

DEC 23 2005

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TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0510/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
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 Signature			Dated: December 23, 2005			
Steven Fischman Registration No. 34,594 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-434			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div>			
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Response Under 37 C.F.R. §1.116
Expedited Procedure Examining
Examining Group 2191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Motohiro Kawahito, et al.

Examiner: Qamrun Nahar

Serial No: 09/814,324

Art Unit: 2191

Filed: March 21, 2001

Docket: JP919990309US1 (17696)

For: PROGRAM COMPILATION AND
OPTIMIZATION

Dated: December 23, 2005

Confirmation No.: 3779

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated September 23, 2005, please amend the subject patent application as follows.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: December 23, 2005


Steven Fischman